



AF/IFW

To: Darlene Brown  
From: John Paul Weirich  
Re: Notification of Non-Compliant Appeal Brief for Application 10/729,725

Date: July 7, 2007

Dear Commissioner,

Please accept this response to the Notification of Non-Compliant Appeal Brief for Appn. No. 10/729,725, titled "Capsule Imaging Device", by John Paul Weirich, filed 12/04/2003, mailed 06/27/2007 by Darlene Brown of your office.

The enclosed text is intended to fulfill the Ms. Brown's explanation that the original Appeal Brief, "The summary of the claimed subject matter does not map the independent claims (21, 22) on appeal to the specification by page, and line numbers and to the drawings if any..". This refers to section (v) **SUMMARY OF CLAIMED SUBJECT MATTER**.

The references I make below use the images for document number US 2004/0152988 that is published on the USPTO.GOV website. Typically the page number is followed by the paragraph number followed by the line number within the paragraph. I hope this is adequate for your purposes.

Please let me know if you need more information.

Thank you,

John Weirich

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## (v) SUMMARY OF THE CLAIMED SUBJECT MATTER

### Regarding Claim 21

The ultra-wideband (UWB) sensor imaging means of the capsule imaging system is described in: on page 1 paragraph (ppg) [0009] lines 1-6, ppg [0010] lines 1-7, ppg [0012] lines 7-8, ppg [0013] lines 1-2, ppg [0015] lines 2-3 and 5-7; on page 2 ppg [0021] lines 1-3, ppg [0032] lines 1-12 with FIG. 1 points 2 and 4, ppg [0033] lines 1-12 with FIG. 2 points 8, 10, 12, 14, 16, 18, 20, ppg [0034] lines 1-2 referring to FIG. 2, ppg [0035] lines 1-7 with FIG. 2 points 8, 14, 16, 18, ppg [0036] lines 1-4; on page 3 ppg [0037] lines 1-4; and FIG. 3 point 30.

Here [0009] lines 1-6 introduce the use of UWB waves as a new imaging technology and indicate that the circuitry is now miniaturized to a level where it can be fitted into a capsule [0010] lines 1-7. [0013] lines 1-2 indicate that the novel use of the UWB sensor is an object of the invention. [0015] indicates the preferred embodiment of the invention is the UWB imaging sensor capsule device, lines 2-3, along which is used to image the GI tract and includes a power source, transceiver means, and controlling circuitry, lines 5-7. [0021] explains that the UWB capsule imaging sensor travels the GI tract and transmits the imaging information out thru the body, lines 1-3.

FIG. 1 and FIG. 2 are schematics of the capsule itself. [0032] lines 1-12 explain the general construction of the UWB imaging sensor shown in FIG. 1. [0033] explains that the UWB imaging sensor circuitry, FIG. 2 12, is combined with a power source, a transceiver, controlling circuitry, and antennae to comprise the capsule device itself, lines 1-12.

The unique distinguishing feature here is the use of the UWB imaging sensor circuitry,

FIG. 2 12, that operates above 1 Ghz, as pointed out in [0009] line 4, [0012] line 8, [0017] line 7. This invention was never mentioned or imagined by anyone prior to this invention, and is an improvement over prior imaging techniques for certain applications.

[0035] lines 1-7 explain that all of these parts are combined together within the capsule and have power supplied, thus turning the device “on” where it awaits communication.

[0037] lines 1-4 explain that the capsule device is in communication with the external receiving computer system which can be used to command the capsule imaging device to start or stop UWB imaging activities.

The the communications means of the invention, this is mentioned in: ppg [0015] line 7; ppg [0021] line 1-2, 9; ppg [0022] line 4-5; FIG. 2 point 16; ppg [0035] line 5-6; ppg [0036] lines 1-3, 5-6; ppg [0037] line 4; FIG. 3 point 26; ppg[0040] line 10; ppg [0041] line 2, 4-5; and ppg [0043] lines 3-4.

[0015] includes transceiver circuitry as part of the UWB capsule imaging device itself, line 7. Lines 1-2 of [0021] indicates that this transceiver in used to broadcast imaging information thru the subject's body. [0022] lines 4-5 indicates that the capsule transmits signals. FIG. 2 16 and FIG. 3 26 indicate schematically that the transceiver is an integral component of the UWB imaging capsule device. [0035] line 5 points out the transceiver is used to communicate with the external receiving station. [0036] lines 2-3 points out the computerized controlling system can be used to issue commands to the capsule imaging device using wireless communication, and similarly [0037] line 4 mentions this same ability. [0041] line 2 points out the capsule transceiver in communication with the wearable vest receiving device. Lines 10 of [0040] mentions the capsule device broadcasts signals as does [0041] lines 4-5. Lines 3-4 of [0043] show the capsule device

and receiving station in communication with each other using their transceivers.

The controlling circuitry of the UWB capsule imaging device is mentioned in: ppg [0015] line 7; FIG. 2 point 14; FIG. 3 point 28; ppg [0033] lines 11-13; ppg [0035] 4-6; ppg [0038] line 5; ppg [0044] lines 6-7; and ppg [0046] lines 12-14.

The controlling circuitry, illustrated schematically in FIG. 2 14 and FIG. 3 28, serves the function of operatively connecting the components of the UWB capsule imaging device together for the purpose of coordinating, monitoring, and commanding their operations. [0015] line 7 includes the controlling circuitry as a component of the capsule device as does [0038] line 5. [0033] lines 11-13 indicate that these circuits can have memory and be instructed to perform tasks by an external computer system, as does [0044] line 6-7 and [0046] lines 12-14.

The power supply battery is shown in FIG. 2 point 18 and FIG. 3 point 24, powers the electrical circuitry within the UWB capsule imaging device.

The capsule that encloses the components detailed above is shown in FIG. 1 point 2 and described in ppg [0032] lines 1-12.

All of these items described above are combined together to comprise the UWB capsule imaging system operating above one Ghz described in Claim 21.

Regarding Claim 22

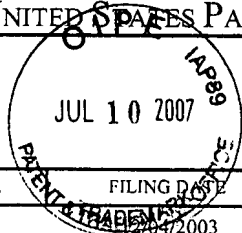
The items listed above for claim 21 serve to point out the particular locations in the patent application where the various components of the UWB capsule imaging system are described. So these are incorporated here, by reference, for all purposes.

In this case the UWB sensor component is characterize as operating above three Ghz, as is required by regulation as mentioned on page 1 ppg [0009] line 4, ppg [0012] line 8, and ppg [0017] line 7.

Additionally, the UWB sensor capsule imaging system is used to image a substantial portion of the GI tract as mentioned on page 1 ppg [0013] lines 1-6, ppg [0015] lines 2-6, and on page 2 ppg [0021] lines 1-3, ppg [0024] line 3, and ppg [0032] line 8-9.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,725	06/27/2003	John Paul Weirich		4004

7590

06/27/2007

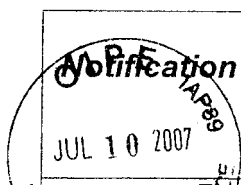
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/27/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Notification of Non-Compliant Appeal Brief</b> <b>(37 CFR 41.37)</b>	<b>Application No.</b> 10/729,725	<b>Applicant(s)</b> WEIRICH, JOHN PAUL	
	<b>Examiner</b> M. kasztejna	<b>Art Unit</b> 3739	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 18 May 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

c(5) The summary of claimed subject matter does not map the independent claims (21,22) on appeal to the specification by page, and line numbers and to the drawings if any..

  
 Darlene Brown  
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